## Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

**Part I: Measure Information** 

Bill Request #: 114	45		
Bill #: HB 248 GA	<u> </u>		
Document ID #:			
Bill Subject/Title:	AN ACT relating to boa under the influence.	ating safety. Operation of a	a motorboat or vessel
Sponsor: Representative Chris W. Fugate			
Unit of Government:		X County X Consolidated Local	Unified Local
Office(s) Impacted:	Jails		
Requirement: X	Mandatory Opt	ional	
Effect on Powers & Duties:	Modifies Existing	Adds New <u>A</u> El	liminates Existing

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

This bill proposes to amend the penalties for operating a motorboat or vessel, water skis, surfboard or similar device, while intoxicated or under the influence of any substance which causes impairment (KRS 235.240).

HB 248 GA amends KRS 253.990 to add imprisonment to the choice of penalties that could be applied for violating the above offense. For the first offense, imprisonment for 24 hours and for a second offense, imprisonment for 48 hours.

HB 248 GA also amends KRS 431.005 to give a peace officer the ability to arrest an intoxicated operator of a motorboat or vessel without a warrant.

Based upon the average daily cost the Department of Corrections (DOC) pays to local jails to house offenders, offenders of this statute sentenced to jail for either 24 hours or 48 hours will cost DOC \$31.34 or \$62.68 respectively.

For calendar year 2018, there were 150 cases of operating a boat or watercraft while intoxicated, first offense and one second offense. Of these, there were 109 convictions, 108 of which were first offenses. Based on these numbers, **the overall fiscal impact is considered to be minimal.** 

## Part III: Differences to Local Government Mandate Statement from Prior Versions

The LM statement to HB 248 GA is the same as the LM statement to HB 248 as introduced. No substitutes or amendments were adopted when the bill passed the Senate.

**Data Source(s):** Administrative Office of the Courts, Department of Corrections

Preparer: Mark Offerman Reviewer: KHC Date: 2/22/19